

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	) 12-md-02311
	) Honorable Marianne O. Battani
	)
	)
In Re: AIR CONDITIONING SYSTEMS DIRECT PURCHASER ACTIONS	) 2:13-cv-02701-MOB-MKM
	)
	)
THIS RELATES TO:	) 2:13-cv-10772-MOB-MKM
	)
SLTNTRST LLC,	)
	)
Plaintiff,	)
	)
vs.	)
	)
VALEO S.A., et al.,	)
	)
Defendants.	)
	)
	)

**STIPULATION AND PROPOSED ORDER REGARDING SERVICE OF  
COMPLAINTS AND EXTENSION OF TIME TO RESPOND TO COMPLAINT**

SLTNTRST LLC (“Plaintiff”) has filed the above-captioned action (“Action”) against the Defendants, including Mitsubishi Heavy Industries America, Inc. and Mitsubishi Heavy Industries Climate Control, Inc., alleging violations of Section 1 of the Sherman Act in connection with the sale and manufacture of air conditioning systems. So as to preserve both party and judicial resources, Plaintiff and Defendants Mitsubishi Heavy Industries America, Inc. and Mitsubishi Heavy Industries Climate Control, Inc. (“Stipulating Defendants”), by and through their undersigned counsel, stipulate to the following with respect to the Action:

1. Plaintiff served a copy of the summons and complaint, filed on February 19, 2014

(the “Complaint”) on Mitsubishi Heavy Industries Climate Control, Inc. and Mitsubishi Heavy Industries America, Inc. in satisfaction of the requirements of Fed. R. Civ. P. 4 on June 2 and June 3, 2014, respectively.

2. Unless otherwise modified by a case management order entered in this Action, Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or otherwise respond within 60 days after either: (a) Plaintiff files and serves on Stipulating Defendants and at least a majority of the other Defendants in this Action at the time of service, a Consolidated Amended Complaint (“CAC”) asserting claims based on sales and manufacture of air conditioning systems; (b) if Plaintiff has already served the CAC on Stipulating Defendants, service of the CAC on at least a majority of the other defendants named in the CAC; (c) Plaintiff files and serves on Stipulating Defendants and at least a majority of all other Defendants in this Action at the time of service, the Complaint and a notice stating that Plaintiff will not be filing a CAC in this Action and that Stipulating Defendants should therefore respond to the Complaint; (d) if Plaintiff has already served Stipulating Defendants with notice that a CAC will not be filed, service of notice that a CAC will not be filed on at least a majority of the other Defendants in this Action.

3. Once Stipulating Defendants and the majority of the other Defendants are served with the CAC or a notice that a CAC will not be filed, as contemplated in paragraph 2, if Stipulating Defendants file an answer, move, or otherwise respond pursuant to Fed. R. Civ. P. 12, in any related actions in case number 2:13-cv-2701 asserting claims based on the sale and manufacture of air conditioning systems before the date required by this stipulation, Stipulating Defendants will concurrently file their answer, move, or otherwise respond as permitted by Rule 12, in this matter. If Stipulating Defendants provide discovery in any related actions in case

number 2:13-cv-2701 asserting claims based on the sale and manufacture of air conditioning systems, Stipulating Defendants will concurrently provide discovery in this matter.

4. Plaintiff and Stipulating Defendants stipulate and agree that the entry into this stipulation by Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or (c) any other statutory or common law defenses that may be available to Stipulating Defendants in this Action or any other Direct Purchaser Action concerning the sale and manufacture of air conditioning systems. Stipulating Defendants expressly reserve their right to raise any such defenses (or any other defense), aside from insufficient process and insufficient service of process, in response to (a) the current Complaint or any amended and/or consolidated complaint that may be filed on behalf of any direct purchaser plaintiff in an action concerning the sale and manufacture of air conditioning systems, and/or (b) any complaint that may be filed in any direct purchaser action concerning the sale and manufacture of air conditioning systems.

**IT IS SO STIPULATED.**

Dated: July 16, 2014

/s/ Ronald F. Wick

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*Counsel for SLTNTRST LLC, Trustee for  
Fleetwood Liquidating Trust*

Dated: July 16, 2014

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*Counsel for Mitsubishi Heavy Industries America, Inc. and Mitsubishi Heavy Industries Climate Control, Inc.*

**IT IS SO ORDERED:**

Dated: \_\_\_\_\_

Honorable Marianne O. Battani  
**United States District Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 16<sup>th</sup>, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification to the email addresses registered.

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